

84-159-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. to permit a lot width of 50 ft. instead of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- One of the owners has recently died.
- The surviving owner is living in a nursing home.
- Approximately 18 homes on the street have 50' widths instead of the 55' width.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: ALBERT L. RENEHAN
(Type or Print Name)
Signature: Mildred P. Jones
Address: 2150 WHISTLER AVE.
City and State: BALTIMORE, MD.
Phone No.: 644-7276
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Mildred P. Jones
Name: Mildred P. Jones
Address: 2150 Whistler Ave.
City and State: Baltimore, Maryland
Phone No.: 644-7276
Attorney's Telephone No.: 644-7276

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of October, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of December, 1983, at 11:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

Ms. Mildred P. Jones
2150 Whistler Avenue
Baltimore, Md. 21230

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 4th day of October, 1983

ARNOLD JABLON
Zoning Commissioner

Petitioner Albert L. Renehan, et ux received by Nicholas B. Commodari
Petitioner's Attorney Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S of Glenmore Ave., 99' N of : OF BALTIMORE COUNTY
Centerline of Rice Ave., :
1st District :
ALBERT L. RENEHAN, et ux, : Case No. 84-159-A
Petitioners :

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman : John W. Hession, III
Deputy People's Counsel : People's Counsel for Baltimore County
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 30th day of November, 1983, a copy of the foregoing Order was mailed to Mildred P. Jones, P.A., Mr. and Mrs. Albert L. Renehan, 2150 Whistler Avenue, Baltimore, MD 21230, Petitioners.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

November 3, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Glenmore Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way, with ultimate extension or a standard type roadway termination.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Water and Sanitary Sewer:

There is an 8-inch public water main and 8-inch public sanitary sewerage in Glenmore Avenue.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon :
TO: Zoning Commissioner : Date: November 30, 1983
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Albert L. Renehan, et ux No. 84-159-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director
Office of Planning and Zoning

NEC/JGH/sf

Item #84 (1983-1984)
Property Owner: Albert L. Renehan, et ux
Page 2
November 3, 1983

Water and Sanitary Sewer:

A fire hydrant is located at the southeast corner of the Beechwood-Midvale Avenue intersection.

Very truly yours,

ROBERT A. MURPHY, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

cc: William Munchel
H-NE Key Sheet
7 SW 26 Pos. Sheet
SW 2 G Topo
100 Tax Map

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 7, 1983

Ms. Mildred P. Jones
2150 Whistler Avenue
Baltimore, Maryland 21230

RE: Item NO. 84 - Case No. 84-159-A
Petitioner - Albert L. Renehan, et ux
Variance Petition

Dear Ms. Jones:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

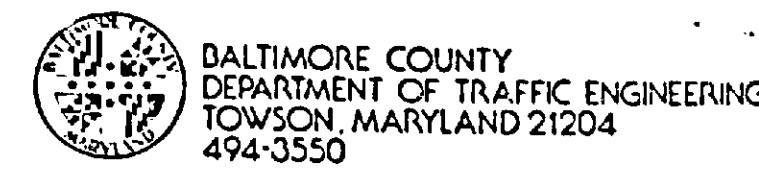
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



STEPHEN E. COLLINS
DIRECTOR

November 10, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 79, 80, 81, 82, 84
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

C- Meeting of October 4, 1983

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 79, 80, 81, 82, and 84.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
To: Office of Planning and Zoning

Date: October 21, 1983

FROM: Ian J. Forrest

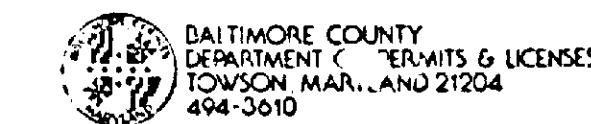
SUBJECT: Zoning Variance Items - Meeting of October 4, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Item #81 - Crystal M. Isaacs
Item #84 - Albert L. Ranehan, et ux

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/rth



TED ZALESKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #84, Zoning Advisory Committee Meeting are as follows:

Property Owner: Albert L. Ranehan, et ux
Location: E/S Glenmore Avenue 80' N. from centerline Rice Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width at the front building line of 50' in lieu of the required 55'.

Acres: 50 x 110.20
District: 1st

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill L-32.
- X B. A building & other miscellaneous permits shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal &/or is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table L01, line 2, Section 1107 and Table L02, line Section 5012.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table L01.
- I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

[Signature]
Charles L. Burnham, Chief
Plans Review

CRB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: September 30, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: October 4, 1983

RE: Item No: 79, 80, 81, 82, 83, 84
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,
[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WIP/bp

ZONING DESCRIPTION

Beginning at a point on the east side of Glenmore Avenue 80 feet north of the center of Rice Avenue and known as lot 25 of Messrs. Schatz Glenmore Development and recorded among the land records of Baltimore County in Plat Book No. 12, Folio 56.

POWER OF ATTORNEY
FROM
ALBERT LEO RENEHAN
and
MILDRED LOUISE RENEHAN
TO
MILDRED PATRICIA JONES
LOUIS H. DIVEN
Attorney-at-Law

KNOW ALL MEN BY THESE PRESENTS

I, That we, ALBERT LEO RENEHAN and MILDRED LOUISE RENEHAN, of Baltimore County, State of Maryland, have made, constituted and appointed, and by these presents do make, constitute and appoint our daughter, MILDRED PATRICIA JONES, our true and lawful attorney for us and in our name, place and stead, with or without the use of the name of the attorney as such or the designation of her signing capacity, with full power and authority for and on our behalf and at our risk to establish, maintain, continue, close and/or reopen account of deposit (hereinafter called "our account") with THE FIRST NATIONAL BANK OF MARYLAND, and any other savings bank or savings and loan association, Federal or State, (hereinafter called "bank") to draw, make, sign, accept or deliver all checks, notes, bills or exchange, drafts, orders, withdrawals receipts and other instruments, negotiable or not, for the payment of money or the withdrawal of funds, payable at or by the bank or chargeable to our account; to endorse and deliver to the bank any instrument, negotiable or otherwise, payable or endorsed to or held by us, for discount, collection, deposit, credit or otherwise to or for our account; to draw against and overdraw our account; to execute and deliver stop payment orders in form and substance satisfactory to the bank; to receive statements of our account from the bank and any vouchers, notices or demands relating thereto; to receive from the bank or any correspondent thereof notice of protest, presentment, notice of dishonor or notice of non-payment or of any default; to arrange, settle and balance all books and accounts and to sign the bank's form of settlement of balances and releases; to borrow money and obtain credit from the bank, or to become obligated to the bank as accommodation party, guarantor, endorser, surety or otherwise, on such terms as to our said attorney may seem advisable, and in connection therewith to execute and deliver to the bank any instruments, negotiable or otherwise, acceptances, endorsements, agreements or obligations as the bank may require; as security for any obligation to the bank now or hereafter incurred by us, by the attorney as such or by her individually, or by any other person, to deposit, assign, transfer, hypothecate, mortgage, pledge and trustee any stocks, bonds, securities, mortgages, paper, negotiable or otherwise, accounts receivable bills of lading, warehouse receipts, passbooks, and the accounts evidenced thereby issued by the savings or special interest department of any bank or trust company, by any savings bank or savings and loan association, Federal or State, or any

similar institution and any other property, whether real, personal or mixed, or any interest therein, now or hereafter belonging to us, with full authority to endorse, warrant or guarantee the same and to execute, under seal or not, and deliver to the bank all instruments of deposit, assignment, transfer, hypothecation, mortgage, pledge and trust, and of withdrawal, exchange and substitution, in form and substance satisfactory to the bank; to subordinate and assign to the bank and others any sums due or to become due to us, and in connection therewith to execute and deliver to the bank and others such instruments of subordination and assignment as the attorney may deem advisable; to pay any obligation or ours to the bank, now or hereafter incurred, to arrange for the payment thereof, or to premature, extend or renew the same; to acknowledge in writing and otherwise evidence by negotiable instrument or otherwise any obligation, liability or indebtedness of ours to the bank, at any time existing; to compromise or settle for less than the full or face amount thereof any claim of ours at any time existing against the bank, for cash or credit or upon such terms as the attorney shall deem advisable, and thereby release the bank from the claim; to waive, relinquish, abandon or surrender any claim, right, privilege or power of ours at any time existing against or in respect to the bank; to buy, sell, exchange, assign and transfer, for such price as our attorney shall, in his sole discretion, think fit and all stocks, bonds and other securities of every kind and description, and foreign exchange, including but not limited to any stock of Exxon Company, and to draw, execute, sign and deliver all orders, checks and other instruments in writing whatsoever which shall or may in his discretion be necessary in connection therewith; to appear and vote and to direct and control the voting upon or consenting with respect to any stocks or other voting securities or investments in such manner as said attorney may deem fit, and for such purpose to execute and deliver any and all proxies, proofs of claims, stock or bond powers and any and all instruments of every nature in connection therewith; to give to the bank, and to amend and rescind specific or standing instructions with respect to the collection of income by way of interest, dividends or otherwise upon any and all stocks, bonds, or other securities, and with respect to the purchase, sale, exchange, assignment, transfer, pledge, release, substitution or other disposition of any and all stocks, bonds and securities; and, generally, without limitation by reason of specific authorities granted herein, to transact any business with the bank as the attorney may deem advisable.

-2-

2. The bank is hereby authorized to pay, cash or otherwise honor and charge to our account any and all checks, notes, bills or exchange, drafts, order and other instruments for the payment of money or withdrawal of funds, when drawn, made, signed or accepted by the attorney and any instrument payable or endorsed to or held by us when endorsed by the attorney, and also to accept same for deposit or credit to the account of or in payment from the payee, endorsee or any holder thereof, including the attorney individually, without limitation of amount, and without inquiry as to the circumstances of issue, negotiation or endorsement thereof, or as to the disposition of the proceeds thereof, or as to whether the same be required or applied for our business or benefit, even if drawn, endorsed or payable to cash, bearer or to the individual order of the attorney, or tendered in payment of her individual obligation to the bank or to any other person; and further, any and all such instruments deposited or committed to the individual account of the attorney and the proceeds thereof may be treated by the bank for all purposes as the individual property of the attorney, without any inquiry, with full power and authority on the part of the bank, without inquiry or duty of inquiry to honor all instruments drawn on such individual account by the attorney against such deposits, credits or the proceeds thereof, even if drawn, endorsed or payable to cash, bearer or the individual order of the attorney or tendered in payment of her individual obligation to the bank or to any other person.

3. The term "our account" as used herein shall include each and every account maintained by the undersigned with the bank, general, special, special interest, individual or joint, and accounts in assumed names or trade styles. In respect of assumed names or trade style accounts, the attorney may execute the powers and authorities herein granted by the use of our assumed names or trade styles alone, without the use of the name of the attorney as such or that of the undersigned.

4. The bank, upon the exhibition or delivery to it hereof, may continue to rely upon the continuance in effect of the powers and authorities herein contained until its actual receipt at the office thereof where our account is then maintained of similarly executed instruments by us to the contrary effect, regardless of non-user or lapse of time, or until its actual receipt at such office of written notice of the death of the undersigned. In condition of such reliance, we, for ourselves, our heirs, executors, legal representatives, successors and assigns, hereby agree to indemnify, exonerate and hold the bank forever free

-3-

and harmless from and against, and to reimburse it for, any and all claims, losses, liabilities, damages, expenses, actions or suits of any nature whatsoever, resulting from or in consequence of any action taken or permitted by the bank in reliance hereon or on the authority of our attorney or on the authority of any substitute or delegate prior to receipt by the bank of such instrument to the contrary effect, or notice of death, whether or not this power of attorney or the authority of our attorney or any substitute or delegate, as the case may be, may theretofore have been limited, revoked or terminated by the death of the undersigned, or either one of them, or otherwise by operation of law or in any other manner.

5. We give and grant unto our attorney, full power and authority to sell, either at public or private sale, or exchange any part or parts of our real estates or personal properties, held individually or jointly, including but not restricting property known as 250 Glenmore Avenue, Catonsville, Maryland, more particularly described in a Deed recorded on September 15, 1952 among the Land Records of Baltimore County in Liber 2172, folio 293, and real property more particularly described in a Deed recorded December 14, 1949 among the Land Records of Baltimore County in Liber 1796, folio 462, for such consideration and upon such terms as our attorney shall think fit, and to execute and deliver good and sufficient Deeds or other instruments for the conveyancing or transfer of the same for which covenants of warranty or otherwise as our attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

6. We give and grant unto our attorney full power and authority to, in general, do all other acts, deeds, matters and things whatsoever in or about our estates, properties and affairs or to concur with persons jointly interested with ourselves herein in doing all acts, deeds, matters or things herein, whether particularly or generally described, as fully and effectually to all intents and purposes as we could do in our own proper person if personally present.

7. We do hereby ratify, confirm and approve all that our attorney shall have done or caused to be done, while acting or purporting to act, under power of attorney heretofore granted by the undersigned to our attorney.

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8. We do hereby waive the right to interpose counterclaims or setoffs of any kind and description in any litigation arising out of or relating to any of the matters contained in this instrument.

9. We desire and intend that this power of attorney shall not be effected by the disability or mental incapacity by us and that the authority conferred herein shall be exercisable by said attorney, notwithstanding our disability or incapacity, if any.

10. These presents shall bind the undersigned jointly and severally hereunder, as well as upon all obligations, liabilities and debts incurred, and instruments of whatsoever nature executed, signed or delivered, by the attorney by virtue hereof, the heirs, representatives, successors and assigns of the undersigned.

Signed, Sealed and Delivered in the Presence of

Albert L. Renehan (SEAL)
Albert Leo Renehan

Mildred Louise Renehan (SEAL)
Mildred Louise Renehan

STATE OF MARYLAND,
BALTIMORE COUNTY,

I HEREBY CERTIFY that on this 16th day of February, 1983, personally appeared ALBERT LEO RENEHAN and MILDRED LOUISE RENEHAN before me, a Notary Public of the State of Maryland, in and for Baltimore County, and they acknowledged that the foregoing Power of Attorney is their act and deed.

AS WITNESS my hand and Notarial Seal:

Theresa S. Sargent
Notary Public
Jury 1 - 1986

-5-

Mr. & Mrs. Albert L. Renehan
c/o Mildred P. Jones
2150 Whistler Avenue
Baltimore, Maryland 21230

NOTICE OF HEARING

Re: Petition for Variance
E/S of Glenmore Ave., 80' N of the
c/l of Rice Avenue
Albert L. Renehan, et ux - Petitioners
Case No. 84-159-A

TIME: 11:15 A.M.

DATE: Monday, December 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 14, 1983

Mr. & Mrs. Albert L. Renehan
c/o Mildred P. Jones
2150 Whistler Avenue
Baltimore, Maryland 21230

Re: Petition for Variance
E/S of Glenmore Ave., 80' N of the
c/l of Rice Avenue
Albert L. Renehan, et ux - Petitioners
Case No. 84-159-A

Dear Ms. Jones:

This is to advise you that \$45.55 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 124032

DATE 12-19-83

ACCOUNT R-01-615-000

1

AMOUNT \$45.55

RECEIVED FROM *Mildred P. Jones*
FOR *Advertising & Posting Case #84-159-A*

1061

0 031*****756010 226-A

VALIDATION OR SIGNATURE OF CARRIER

PETITION FOR VARIANCE

1st Election District

ZONING: Petition for Variance

LOCATION: East side of Glenmore Avenue, 80 ft. North of the centerline of Rice Avenue

DATE & TIME: Monday, December 19, 1983 at 11:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a lot width of 50 ft. instead of the required 55 ft.

The Zoning Regulation to be excepted as follows:
Section 1B02.3.C.1 - lot width in a D.R. 5, 5 zone

All that parcel of land in the First District of Baltimore County

Being the property of Albert L. Renehan, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE
E/S of Glenmore Avenue, 80' N
of the centerline of Rice
Avenue - 1st Election District
Albert L. Renehan, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-159-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Mildred L. Renehan, requests a variance to permit a lot width of 50 feet instead of the required 55 feet, as mandated by Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (BCZR). The purpose of the request is to enable Mrs. Renehan to sell the instant lot to Contract Purchasers, who would construct a home on the lot, as more fully described on Petitioner's Exhibit 1.

Mildred P. Jones, daughter of Mrs. Renehan, appeared and testified on her mother's behalf. Mrs. Renehan is the legal owner of the property, and Mrs. Jones has the power of attorney to act in her mother's stead. Also appearing and testifying was Barbara Klink, Mrs. Renehan's real estate agent. No Pro-testants appeared.

Testimony indicated that the property is zoned D.R.5.5. It was uncontested that 18 of the 25 homes existing in the neighborhood are built on 50 foot wide lots. The remainder of the homes are built on 55 and 60 foot wide lots. The subdivision was formulated on or about 1920.

Mr. and Mrs. Albert L. Renehan purchased Lots 24, 25, and 26 in 1949 and built their home on Lot 24; Lot 25 was used for a garden. At some point, Lot 26 was given to their son and presently remains vacant. He subsequently built his home on Lot 27. Mr. Renehan died in April, 1983 and the family home was sold

ORDER RECEIVED FOR FILING
DATE *Jan 24 1983*
BY *Theresa S. Sargent*

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121574

DATE 12/23/83

ACCOUNT 01-615-000

AMOUNT \$35.00

RECEIVED FROM *Albert L. Renehan*
FOR *Fee for Jan 28 84*

1061

0 125*****756010 226-A

VALIDATION OR SIGNATURE OF CARRIER

In June, 1983. The purchasers of Lot 24 were offered Lot 25, but refused, stating that they did not want that much land. This past September, Lot 25 was sold contingent upon this variance being granted.

Mrs. Renehan has been confined to a nursing home and the family intends to use the monies from the sale of the property for her maintenance. If this variance were not granted, the sale could not be consummated and would result in harmful effects to the family. Additionally, the property would be useless.

The Petitioner seeks relief from Section 1802.3.C.1., pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not to be granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20 day of December, 1983, that the Petition for Variance to permit a lot width of 50 feet instead of the required 55 feet be and is hereby GRANTED from and after the date of this Order.

Arnold Jablon
Zoning Commissioner of
Baltimore County

December 20, 1983

Mrs. Mildred P. Jones
2150 Whistler Avenue
Baltimore, Maryland 21230

IN RE: Petition Zoning Variance
E/S of Glenmore Avenue, 80' N of
the centerline of Rice Avenue -
1st Election District
Albert L. Renehan, et ux,
Petitioners
Case No. 84-159-A

Dear Mrs. Jones:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

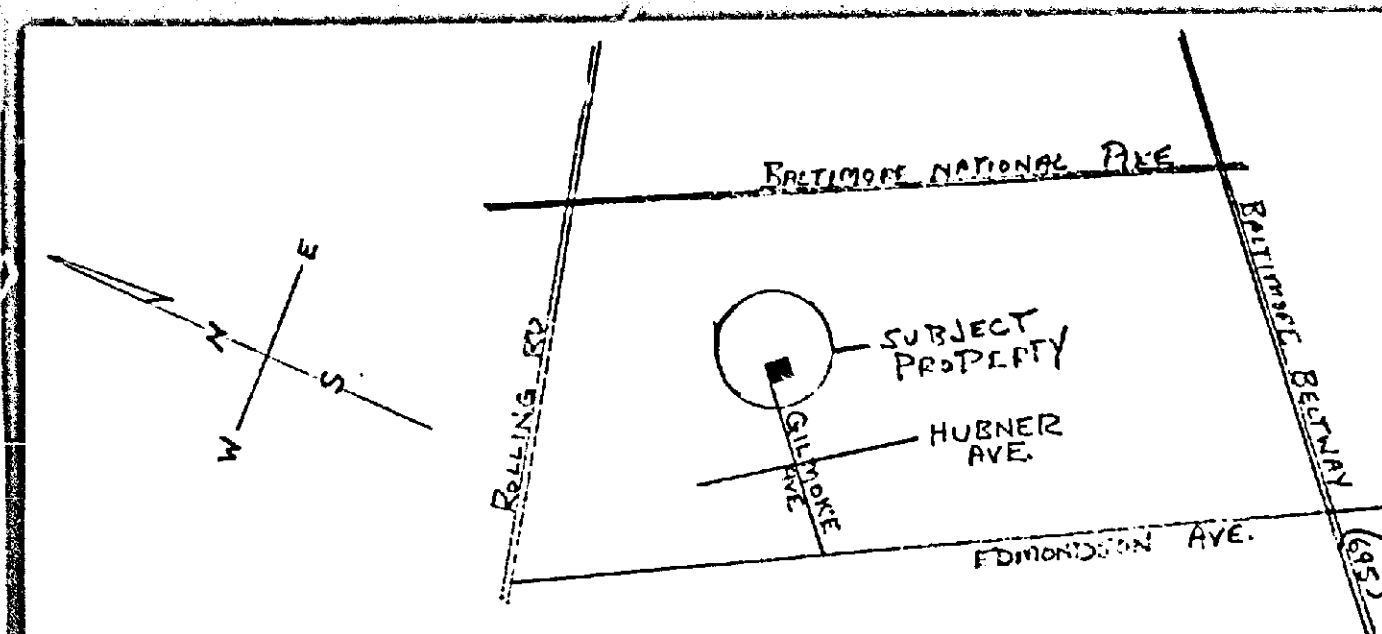
Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ/srl

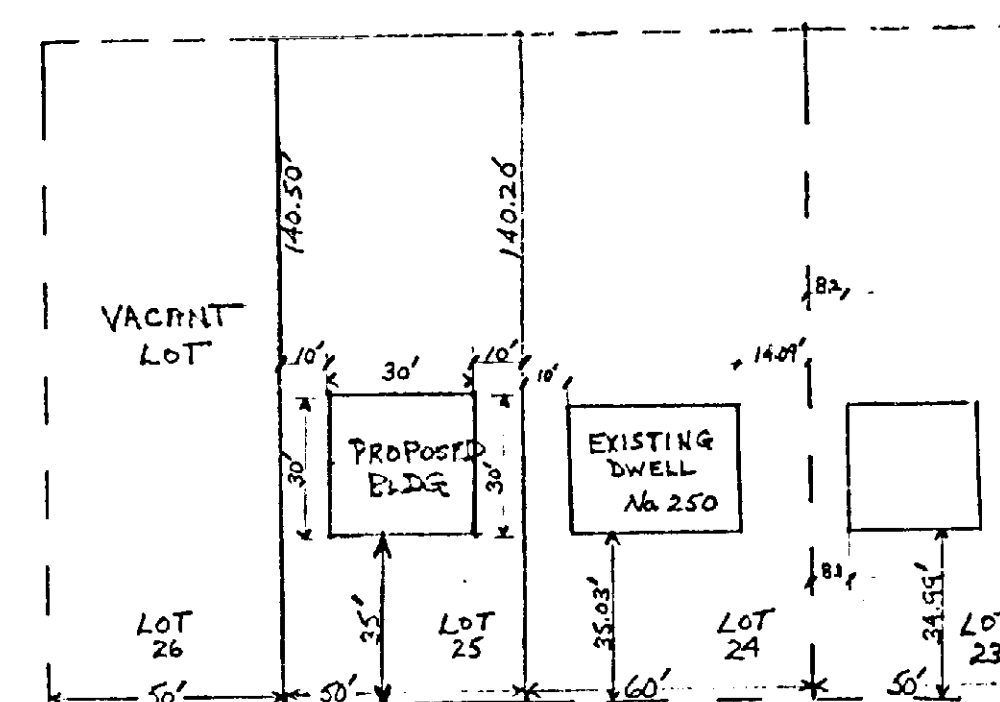
Attachments

cc: John W. Hessman, III, Esquire
People's Counsel



VICINITY MAP

PETITIONER'S
EXHIBIT 1



PLAT FOR ZONING VARIANCE
OWNER - ALBERT & MILDRED RENEHAN
DISTRICT 1 ZONED D.R. 5.5
SUBDIVISION - GLENMORE
LOT 25 BOOK 12 FOLIO 56
EXISTING UTILITIES IN GLENMORE AVE.
SCALE - 1" = 40'

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

December 1 19 83

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

☒ Catonsville Times
☒ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of December 19 83 that is to say,
the same was inserted in the issues of

December 1, 1983

PATUXENT PUBLISHING CORP.
BY *[Signature]*

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 1, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for one time before the 12th day of December, 1983, the last publication appearing on the 1st day of December, 1983.

THE JEFFERSONIAN
[Signature]
Manager.

Cost of Advertisement, \$ 19.25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-159-A

Date of Posting Dec. 2-83

District 1st
Posted for: Variance
Petitioner: Albert L. Renehan, et ux.
Location of property: E/S of Glenmore Ave. 80' N of the
C.R. of Rice Ave.
Location of Sign: E/S of Glenmore Ave. in front of subject
property, lot #26
Remarks:
Posted by *[Signature]* Date of return: Dec. 9-83
Number of Signs: 1

PLAT FOR ZONING VARIANCE
OWNER - ALBERT & MILDRED RENEHAN
DISTRICT 1 ZONED D.R. 5.5
SUBDIVISION - GLENMORE
LOT 25 BOOK 12 FOLIO 56
EXISTING UTILITIES IN GLENMORE AVE.
SCALE - 1" = 40'



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF